

# **EXHIBIT 39**

# INVALIDITY ANALYSIS OF JOHNSON ET AL. U.S. PATENTS 6,023,683, 6,055,516, AND 6,505,172

Citations to references are exemplary only and not intended to be exhaustive.

A cell with light green shading indicates an entire claim that is anticipated by the reference in its column (possibly also asserted to be obvious)

A cell with light yellow shading indicates an entire claim that is not asserted to be anticipated by the reference in its column but is obvious without the need for a combination with any other reference.

A cell with light blue shading indicates a claim as a whole that is invalid for reasons other than §102 or §103.

**A** indicates that the reference discloses the element or step

**E** indicates that a claim element or step is not enabled

**I** indicates that a claim element or step is indefinite

**N** indicates that the element or step is not asserted to be disclosed in the reference or obvious in light of the reference

**O** indicates that the element or step is obvious in light of the reference alone, without the need for a combination with any other reference

**S** indicates that a claim element or step is non-statutory, including being a hybrid claim

**W** indicates that a claim element or step lacks written description

## ASSERTED CLAIMS

P.O. WRITER

J-CON

### '172 Patent

1. An electronic sourcing system comprising:  
a database containing data relating to items associated with at least two vendors maintained so that selected portions of the database may be searched separately  
means for entering product information that at least partially describes at least one desired item  
means for searching for matching items that match the entered product information in the selected portions of the database  
means for generating an order list that includes at least one matching item selected by said means for searching  
means for building a requisition that uses data obtained from said database relating to selected matching items on said order list  
means for processing said requisition to generate purchase orders for said selected matching items.

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### '516 Patent

1. An electronic sourcing system comprising:  
a collection of catalogs of items stored in an electronic format;

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a first set of pre-determined criteria associated with said collection of catalogs;

a second set of pre-determined criteria associated with items from each of said catalogs;

a catalog selection protocol, said catalog selection protocol relying on said first set of predetermined criteria to select less than said entire collection of catalogs, and including matching a vendor identification code with a subset of said collection of catalogs, wherein said subset of catalogs includes both a vendor catalog from a predetermined vendor and a second catalog from a predetermined third party that is one of a manufacturer and a competing vendor, said predetermined third party selling items corresponding to items in said vendor catalog; and

a search program, said search program relying on said second set of criteria to select specific items from said catalogs determined from said catalog selection protocol.

2. An electronic sourcing system as recited in claim 1, wherein catalogs comprising said collection of catalogs are stored in separate databases.

6. An electronic sourcing system as recited in claim 1, wherein said second set of predetermined criteria includes at least one of a catalog number and item textual information.

9. An electronic sourcing system comprising:

a collection of catalogs of items stored in an electronic format;

a first identification code associated with a first item in a first catalog;

a second identification code associated with a second item in a second catalog, said first item and said second item being generally equivalent, and wherein a selection of one identification code from one of said first and second catalogs provides the other identification code from the other of said catalogs.

21. An electronic sourcing system comprising:

a requisition module including data fields, user-generated criteria entered into at least one of said data fields to generate at least partial criteria corresponding to a desired item;

a catalog collection searching module, said searching module including a collection of catalogs of items stored in an electronic format,

a catalog selection criteria used to select less than said entire collection,

said searching module being used to generate additional search-module criteria for said data fields of said requisition module;

a multiple purchase order generation module, said purchase order generation module creating multiple purchase orders from a single requisition created with said user-generated criteria and said search-module criteria;

wherein each of at least two catalogs include a generally equivalent item from a different source, said requisition module working in combination with said catalog searching module to determine multiple sources for said item;

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wherein said multiple sources is limited by said catalog searching module providing a match according to said user-generated criteria, said search-module criteria and a determination system that located items are generally equivalent; and

wherein said determination system includes a cross reference table matching an identification code from a first located item with a second identification code from a second located item.

22. An electronic sourcing system as recited in claim 21, wherein said determination system includes an identical identification code for each of said located items.

29. An electronic sourcing system comprising:

a collection of catalogs of items stored in an electronic format;  
a first set of pre-determined criteria associated with said collection of catalogs;  
a second set of pre-determined criteria associated with items from each of said catalogs;

a catalog selection protocol, said catalog selection protocol relying on said first set of predetermined criteria to select less than said entire collection of catalogs, and including matching a vendor identification code with a subset of said collection of catalogs, wherein said subset of catalogs includes both a vendor catalog from a predetermined vendor and a second catalog from a predetermined third party;

a search program, said search program relying on said second set of criteria to select specific items from said catalogs determined from said catalog selection protocol; and  
a cross reference table linking a vendor item catalog number from said vendor with an item catalog number from said predetermined third party.

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#### '683 Patent

3. An electronic sourcing system comprising:

at least two product catalogs containing data relating to items associated with the respective sources;  
means for selecting the product catalogs to search;  
means for searching for matching items among the selected product catalogs;

means for building a requisition using data relating to selected matching items and their associated source(s);

means for processing the requisition to generate one or more purchase orders for the selected matching items; and

means for converting data related to a selected matching item and an associated source to data relating to an item and a different source.

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6. An electronic sourcing system comprising:

a database containing data relating to items associated with at least two sources;

means for searching for matching items in the database;

means for building a requisition using data relating to selected matching items and their associated source(s);

means for processing the requisition to generate one or more purchase orders for the selected matching items; and

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means for converting data related to a selected matching item and an associated source to data relating to an item and a different source.

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26. A method comprising the steps of:  
maintaining at least two products catalogs on a database containing data relating to items associated with the respective sources;

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selecting the product catalogs to search;  
searching for matching items among the selected product catalogs;

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building a requisition using data relating to selected matching items and their associated source(s);  
processing the requisition to generate one or more purchase orders for the selected matching items; and  
determining whether a selected matching item is available in inventory.

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28. A method comprising the steps of:

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maintaining at least two products catalogs on a database containing data relating to items associated with the respective sources;

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selecting the product catalogs to search;  
searching for matching items among the selected product catalogs;

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building a requisition using data relating to selected matching items and their associated source(s);  
processing the requisition to generate one or more purchase orders for the selected matching items; and

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converting data relating to a selected matching item and an associated source to data relating to an item and a different source.

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29. The method of claim 28 further comprising the step of  
determining whether a selected matching item is available in inventory.

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